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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,675	10/27/2003	Brian Freeborn	K8000250US	2054

34236 7590 11/30/2004

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CANADA

EXAMINER
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TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,675

Applicant(s)

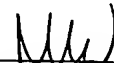
FREEBORN ET AL.

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-29 is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 16, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. : 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 10, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Saunders (US 2,833,587). Saunders shows an adjustable height gurney that comprises a lower frame 1 that supports a top frame 2 upon a crossed set of elevating arms 10, 11: Arms 11 are pivotally mounted to the top frame by a pivot shaft 14, while arms 10 have rollers 17 mounted upon a cross shaft 16. The rollers 16 slide within a trackway formed by side frame members 6. The arms are mutually pivoted together by a central pair of pivots 12, with a pair of hydraulic actuators 21 operating upon the upper ends of arms 10 to move them along the trackway. This adjusts the overall height of the stretcher.

Claims 1 to 3, 9 to 12, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutledge (US 3,113,770). Rutledge shows a chiropractor's table that includes a table frame formed by horizontal frame bars 1 connected by cross bars 2, 3, and an intermediate bar 4. The table frame can be vertically adjusted relative to the floor by pivoted cross-legs 6 interconnected by a pivot 7. One pair of cross legs 6 is connected

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to the table frame by a fixed pivot shaft 13, with the opposed set of cross legs 6 being attached to the table frame by a slidable pivot shaft 14. The ends of the pivot shaft 14 include rollers 15 that engage channel flanges 16 formed within the frame members 1, with a hydraulic actuator 17 being attached between the pivot shaft 4 and cross member 4 to push and pull the pivot shaft along the flanges in order to raise and lower the table frame. The foot ends of the fixedly pivoted cross legs 6 end in a pair of wheels 11, while the foot ends of the slidably pivoted cross legs 6 terminate in a pair of pivots 8 fitted within foot pads 9.

Claims 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Koenigkramer et al (US 2,110,227). Koenigkramer shows a gurney comprising a body support 9 supported upon a vertical column 10 attached to a carriage chassis 12. The chassis 12 includes a frame formed by side members 13, 14 and end members 15, 16, with castors 19 being mounted to each corner of the frame. Each castor assembly includes a vertical pivot shaft 24 over which a bell type brake shoe 31 is slidably mounted. The brake shoes are attached into a common frame by frame members 38, 40 such that they can move vertically in unison upon actuation of a pair of handles 42, 43. Each handle is attached to an eccentric 46 mounted within a box 47 attached to the frame members 38, by rotating the eccentric 46 within the box 47 the brake shoes 31 are moved vertically into engagement with the castor wheels 28 in order to brake the castors 19. Note that the operation of the handles 42, 43 can be considered to be a "preselected triggering event", with the handles 42, 43 being the claimed actuator and the brake shoe frame formed by members 38, 40 being the claimed activation assembly.

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Claims 1 to 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourgraf et al (US 5,435,027). Bourgraf et al shows a high clearance type gurney 10 that comprises an upper main frame 23 supported upon a base frame 12 by a set of crossed scissors links 26, 28, and 30, 32. The upper end of the scissors links 30, 32 are slidably mounted to frame 34 by a transverse support member 58 which engages brackets 60, 62. The scissors links 26, 28 are fixedly pivoted to the frame 34 by a cross bar 48, with the links 30, 32 and 26, 28 being pivotally joined at a midpoint by a cross bar 22. The lower ends of the links engage base frame 12, with links 30, 32 engaging a cross bar 24 that terminates at castors of wheels 14. The ends of links 26, 28 terminate within a pair of opposed tracks 54, 56 which are in turn attached to a second pair of wheels or castors 14. The wheels or castors can also be considered to be a foot element, since they act to support the gurney. A wheel assembly 50 depends from the upper support frame 34 and engages a floor when the gurney is lowered.

***Allowable Subject Matter***

Claims 16, 32, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18 to 29 are allowed.

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***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goodman, Paul, and Megown show vertically adjustable gurneys that are of general interest. Heiligenthal et al, Hanson et al, and Maslow show castor brake actuators that are of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Michael Trettel  
Primary Examiner  
Art Unit 3673

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